

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SEMICONDUCTOR COMPONENTS
INDUSTRIES, L.L.C.,

Plaintiff,

v.

I2A TECHNOLOGIES, INC., and
VICTOR BATINOVICH,

Defendants.

NO. C10-0603 TEH

ORDER RE: PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT

Plaintiff's motion for summary judgment has been fully briefed and is currently scheduled for hearing on November 29, 2010. Defendants' opposition conceded "that Plaintiff incorrectly transferred \$613,649.46 to I2A"; that "I2A has at all times pledged to return the funds with interest"; and "that not all of the funds have been returned." Opp'n at 1. However, Defendants challenged Plaintiff's calculation of interest and off-sets to the amount due. Defendants also argued that Plaintiff's motion was an improper motion for summary judgment because Plaintiff's pursuit of punitive damages rendered it impossible for judgment to be entered on any of Plaintiff's claims.

In reply, Plaintiff agreed to all of the calculations used by Defendants and further agreed to abandon its claims for punitive and exemplary damages. Thus, it appears that oral argument is unnecessary because there appears to be no dispute that judgment should be entered for Plaintiff in the amount of \$351,820.15.

Any party that would like a further opportunity to address the Court before judgment is entered shall file a request for oral argument on or before **November 23, 2010**. If no party

1 files such a request, then the November 29, 2010 motion hearing will be vacated and
2 judgment will be entered.

3
4 **IT IS SO ORDERED.**

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6 Dated: 11/18/10



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT